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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,229	10/12/2005	Oliver Feilen	8369.005.US0000	7192

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EXAMINER	
TRAORE, FATOUMATA	
ART UNIT	PAPER NUMBER
2436	

MAIL DATE	DELIVERY MODE
11/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,229	FEILEN ET AL.	
	Examiner	Art Unit	
	FATOUMATA TRAORE	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response of the non final office action filing of August 3, 2010. Claim has been amended. Claim 20has been added. Claims 12-20 are pending and have been considered below.

Response to Arguments

2. Applicant's arguments with respect to claims 12-20 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, seepages 4-5, filed 08/03/2010, with respect to 35 USC § 112 have been fully considered and are persuasive. The rejection has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 12, 14, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 5,763,958) in view of Okui (US 5,950,038).

Claims 12, 19 and 20: Yamamoto et al discloses a system mountable in a motor vehicle effective and a method in preventing manipulation of a memory module functional in operating a control device of a component of said vehicle (*column 2, lines 8-15; column 8, lines 55-60),* comprising:

i. means for reading an identifier stored in a first memory module functional in operating said control device (*column 8, lines 22-31;column 9, lines 53-58);*

ii. means for storing said identifier in a read only memory of said system *(column 8, lines 22-31);*

iii. means for reading an identifier stored in a second memory module intended to replace an installed memory module, functional in operating said control device *(check to see if EEPROM is replaced by a forged EEPROM) (column 8, lines 22-41);* and

iv. means for authenticating said second memory module by comparing the identifier of said second memory module with the identifier stored in said read only (*column 8, line 62 to column 9, line 17; column 10, lines 9-22).al fails to disclose*

Yamamoto et al further disclose that said identifier is stored in RAM but fails to disclose that the identifier is stored in a read only memory. However, Okui discloses a similar concept, which further discloses means for storing said identifier in a read only memory of said system (column 6, lines 48-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Yamamoto et al such as to store the ID in read only memory. One would have been motivated to do so in order to determine the end of life of a photosensitive unit and to replace it, with a new one, thereby maintaining the image quality. Various suggestions are made as to how to measure, display, and determine the rest of the life, how to prompt

the user to replace the photosensitive unit, and the like (column 1, lines 20-45 as taught by Okui.

Claim 14: the combination disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 12 above, and Yamamoto et al further discloses that the system further includes a microprocessor provided with said storing and authenticating means*(column 4, lines 40-50)*.

Claim 18:the combination discloses a system as in clam 12 above, and Yamamoto et al further discloses wherein said control device comprises one of a group consisting of the engine, transmission, turbocharger, oil cooler and brake control devices of said vehicles (*column 2, lines 59-64*).

6. Claims 13 , 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 5,763,958) in view of Okui (US 5,950,038)in further view of Krauter et al (US2001/0027524) .

Claims 13 and 15: the combination disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claims 12 and 14 above , while neither of the explicitly discloses wherein said storing means of said system comprises a one-time programmable module. However, Krauter et al discloses system for detecting manipulation of programmable memory device, which further discloses wherein said storing means of said system comprises a one-time programmable module (paragraph [0016]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined

teaching of Yamamoto et al and Okui such as to use a one-time programmable memory. One would have been motivated to do so in order to prevent unauthorized manipulation of a control program (paragraph [0008])) as taught by Krauter et al.

Claim 16: the combination disclose a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 15 above, and Okui further discloses wherein said storing means comprises a flash memory (*see Fig. 5)*.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 5,763,958) in view of Okui (US 5,950,038)in further view of Krauter et al (US2001/0027524)and Berra (US 5,787,367).

Claim 17: the combination discloses a system mountable in a motor vehicle effective in preventing manipulation of a memory module functional as in claim 15 above , while neither of the explicitly discloses a means for encrypting data stored in said storing means which can be decrypted by a key comprising said identifier. However, Berra discloses flash reprogrammable security for vehicle computer, which further discloses a means for encrypting data stored in said storing means which can be decrypted by a key comprising said identifier (*column 5, line 50 to column 6, line 22*) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination such as to decrypt data with the identifier/password. One would have been motivated to do so in order to control reprogramming of on board vehicle computer (column 2, lines 60-67) as taught by Berra

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

Monday, October 25, 2010

/Fatoumata Traore/

Examiner, Art Unit 2436

/Nasser Moazzami/

Supervisory Patent Examiner, Art Unit 2436